

August 11, 2015

To: The Honorable Richard D. Bennett
United States District Judge
Northern District of Maryland
101 W. Lombard Street
Baltimore, MD 21201

RECEIVED
IN THE CHAMBER OF
RICHARD D. BENNETT

AUG 18 2015

UNITED STATES DISTRICT COURT

FILED _____ ENTERED _____
LODGED _____ RECEIVED _____

From: Scott Hinckley
31 Lawton Road
Shirley, MA 01464

AUG 18 2015

BALTIMORE
DISTRICT COURT
DISTRICT OF MARYLAND
BY _____ DEPUTY

Dear Judge Bennett,

I am writing to you in regards to Case Number 1:15-cv-01241-RDB (Schmalfeldt v. Grady, et. al.), and am requesting a clarification of my status in this case, specifically whether I am considered to have been served, as the Plaintiff is asserting. He has attempted to add myself and other defendants through an Amended Complaint. As the Defendant was granted *in forma pauperis* (IFP) status, he has relied on the U.S. Marshals Service to serve the summons, but those summons have been return unserved, and the Plaintiff has made no further effort to serve us.

I am clearly aware of this suit, but have actively worked, through motions, against being included in it. I have filed, via a "Special Appearance", a Motion to Join a "Motion to Terminate the Plaintiff's IFP status and Motion to Dismiss" filed by another named, but not yet served, defendant. I have also filed, again by "Special Appearance", a reply to the Plaintiff's response to this motion.

I am asking for a clarification of my status for two reasons. The first is that I need to know whether any time requirements for a response has begun. If I have been deemed to be served without any notification of it (especially the effective date of such deemed service) by the act of trying to prevent even being included in the suit, that seems both unfair and unjust. The other reason I am asking is that the Plaintiff in the current case is attempting to contact me, supposedly to discuss a settlement, but I have an outstanding Do Not Contact request against him (sent to him before he attempted to add me to the suit). He is claiming that as he is acting *pro se*, as will I if I am joined to this suit, he has the right to contact me. He is also indicating in his social media comments that he believes he can now contact my wife (again), even though she is not in any way connected to the suit. If I have not been served, or deemed to be served, he has, of yet, no right to contact us, and I need to know that.

I should add that if the Court would rule on some of the Motions in front of it for this case, all of my issues would become moot. The Amended Complaint is being opposed via two Motions to Strike (one by the original Defendant, and one by the other newly named Defendant). These Motions have run their time requirements for any Opposition, with no Oppositions being filed. At least one should be granted. In addition, the original Defendant has filed a Motion to Dismiss the initial complaint, which has had a timely response and reply, and is now (over)ripe for a ruling. A ruling on any of these ripe motions in my favor would resolve my predicament. Finally, if the Motion to Terminate and Motion to Dismiss is granted, this also would resolve my issues.

I ask for your help in clarifying my status in this case so I may take the appropriate actions. In addition, I urge you to rule on the outstanding motions so that this case may make progress towards a resolution.

Respectfully,

A handwritten signature in dark ink, appearing to read 'Scott Hinckley', with a stylized, flowing script.

Scott Hinckley